

**Notice of Allowability**

Application No.

10/623,754

Examiner

James J. Leybourne

Applicant(s)

JACKSON, GERALD P.

Art Unit

2881

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment received 9/10/2004.
2. ☒ The allowed claim(s) is/are 1-67.
3. ☒ The drawings filed on 21 July 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**DETAILED ACTION**

1. According to the "Amendment" received September 10, 2004, claims 23, 32 and 39 have been amended and claims 40-67 have been added.
2. Applicant's arguments with respect to the 112 rejections of claims 1, 23, 24 and 32 in paragraph 3 of the office action have been fully considered and are persuasive.

***Allowable Subject Matter***

3. Claims 1-67 are allowed.
4. The following is an examiner's statement of reasons for allowance:
5. Regarding independent claim 1, the prior art fails to disclose or make obvious a method for slowing and controlling a beam of charged particles comprising superimposing a magnetic field on a mass and passing a beam of charged particles through the mass wherein the mass slows but does not stop the particles.

Claims 2-22 and 40-60 are allowed by virtue of their dependency on claim 1.

Regarding independent claim 23, the prior art fails to disclose or make obvious an apparatus for slowing and controlling a beam of charged comprising means for superimposing a magnetic field within a mass, means for superimposing a second magnetic field within a mass, and means for passing a beam of charged particles through the mass to slow the charged particles.

Regarding independent claim 24, the prior art fails to disclose or make obvious an apparatus comprising a bending magnetic field superimposed on a focusing magnetic field within a mass.

Claims 25-31 are allowed by virtue of their dependency on claim 24.

Regarding independent claim 32, the prior art fails to disclose or make obvious a method for slowing and controlling a beam of charged particles comprising focusing the particles and bending the particles by superimposing a focusing magnetic field and a bending magnetic field on a mass and passing a beam of charged particles through the mass wherein the mass slows the particles.

Claims 33-39 and 61-67 are allowed by virtue of their dependency on claim 32.

The main feature that separates the apparatus and method apart from prior art is use of superimposes magnetic fields to bend and focus a particle beam as it passes through mass to slow the particles.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance"

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James J. Leybourne whose telephone number is (571) 272-2478. The examiner can normally be reached on M-F 9:00- 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R Lee can be reached on (571) 272-2477. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Friday, September 24, 2004

JJL

  
JOHN R. LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800